

Message Text

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PAGE 01 STATE 111973
ORIGIN EB-08

INFO OCT-01 EA-10 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 TRSE-00
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DRAFTED BY EB/OA/AVP:JMROBERTS:PMA
APPROVED BY EB/OA/AVP:AJWHITE
EA/PRCM:SSTANFIELD(INFO)
CAB:TSMITH
EA/PRCM:JSROY
EB/OA:MHSTYLES

-----002818 022254Z /62

P 022217Z MAY 78
FM SECSTATE WASHDC
TO AMCONSUL HONG KONG PRIORITY

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E.O. 11652: N/A

TAGS: EAIR, HK

SUBJECT: CIVAIR: NOMADS FLIGHT

REF: (A) HONG KONG 4516; (B) STATE 82903; (C)
HONG KONG 3718

1. DEPT IS CONCERNED THAT HONG KONG CIVIL AVIATION
DIRECTORATE (HKCAD) IS DRAGGING THEIR FEET ON NOMADS
TRAVEL CLUB'S APPLICATION FOR LANDING AUTHORITY.
ALTHOUGH REF A REPORTED HKCAD EXPECTED TO SETTLE THIS
ISSUE BY 21 APRIL, THE NOMADS FLIGHT DEPARTED THE US
28 APRIL WITHOUT KNOWING WHETHER HKCAD GRANTED THEM THE
LANDING PERMISSION WHICH, ACCORDING TO JOE BENICH OF
NOMADS, WAS ORIGINALLY REQUESTED SEVERAL MONTHS AGO.

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2. DEPT APPRECIATES HKCAD'S DESIRE TO MAKE AN IN-DEPTH
REVIEW OF AIR TRAVEL CLUBS TO DETERMINE INTO WHAT CLASS
OF TRANSPORTATION THESE CLUBS FALL. HOPEFULLY, THE USG
ATTESTATION IN REF B, THE DOCUMENTS NOMADS RECENTLY
PROVIDED REYNAUD OF HKCAD (SUMMARIZED IN PARA 4 BELOW)
AND THE CORRESPONDENCE FROM THE BRITISH EMBASSY IN

WASHINGTON, (WHICH THE DEPARTMENT HAS NOT SEEN BUT WHICH WE UNDERSTAND SUPPORTS NOMADS' CASE), WILL BE SUFFICIENT TO CONVINCE HKCAD THAT AIRCRAFT OPERATED BY

NOMADS AND OTHER AIR TRAVEL CLUBS ARE NON-SCHEDULED, NON-REVENUE OPERATIONS. HOWEVER, IN THE EVENT HKCAD WISHES TO PURSUE ITS INQUIRY, THE DEPT WOULD LIKE THE NOMADS' LANDING REQUEST DIVORCED FROM THE LARGER ISSUE OF AIR TRAVEL CLUBS.

3. BECAUSE NOMADS APPLIED FOR LANDING PERMISSION IN ADVANCE OF RECEIPT OF HKCAD'S NEW INSURANCE REQUIREMENTS, AND BECAUSE NOMADS HAS NO REASON TO SUSPECT ANY PROBLEM WOULD EXIST (ESPECIALLY SINCE THEY HAD LAST FLOWN INTO HONG KONG EFFORTLESSLY IN DEC. 1976 AND BECAUSE OF AMCONSUL'S EARLIER REPRESENTATION IN BEHALF OF NOMADS, THE DEPT BELIEVES HKCAD SHOULD GRANT NOMADS THE AUTHORITY TO LAND ON THE DATE REQUESTED AND WITH THE LIABILITY INSURANCE THEY CURRENTLY CARRY (5 MILLION DOLLARS). HOWEVER, SINCE AIR TRAVEL CLUBS APPEAR TO BE A CONTENTIOUS ISSUE FOR HKCAD, FOLLOWING APPROVAL OF THE CURRENT NOMADS LANDING APPLICATION, NEITHER DEPT NOR NOMADS WOULD OBJECT TO HKCAD HOLDING ANY FUTURE NOMADS LANDING APPLICATIONS IN ABEYANCE UNTIL HKCAD COMPLETES ITS STUDY OF AIR TRAVEL CLUBS (A SEPARATE CABLE ADDRESSING THIS TOPIC WILL FOLLOW).
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4. THE FOLLOWING ADDITIONAL DOCUMENTS, WHICH ACCORDING TO NOMADS ARE NOW IN HKCAD'S POSSESSION (REYNAUD), MAY BE OF ADDITIONAL HELP. THEY WERE SUMMARIZED BY NOMADS AS FOLLOWS:

A. ARTICLES OF INCORPORATION (1965) IDENTIFYING NOMADS AS NON-PROFIT;

B. AN OCTOBER 1974 LETTER FROM THE MICHIGAN STATE DIRECTOR OF AERONAUTICS WHICH STATES, IN PART, THAT THE STATE OF MICHIGAN DOES NOT VIEW THE USE OF THE CLUB'S AIRCRAFT AS IN "COMMON CARRIAGE" (A TECHNICAL AVIATION TERM MEANING THE AIRCRAFT DOES NOT SERVE THE GENERAL PUBLIC), OR REGARD THE CLUB AS A CHARTER OPERATOR, BUT INSTEAD VIEWS NOMADS AS A PRIVATE CLUB WHICH OWNS AN AIRCRAFT. LETTER GOES ON TO SAY NOMADS AIRCRAFT SHOULD BE PROVIDED LANDING PERMITS ON THE SAME BASIS AS A PRIVATE AIRCRAFT OWNED BY A CORPORATION OR BY A PRIVATE CITIZEN.

C. IRS DOCUMENT (DATE NOT PROVIDED) WHICH CONCLUDES

NOMADS IS EXEMPT FROM FEDERAL TAX.

D. COPY OF THE FEDERAL AVIATION REGULATIONS (FAR)
PERTAINING TO AIR TRAVEL CLUBS. THESE REGULATIONS
IDENTIFY AN AIR TRAVEL CLUB AS A PERSON OR PERSONS WHO

ENGAGE IN CARRIAGE BY AIRPLANE OR PERSONS WHO ARE
REQUIRED TO QUALIFY FOR THAT CARRIAGE BY PAYMENT OF AN
ASSESSMENT, DUES OR OTHER SIMILAR REMITTANCE.

COPIES OF THE ABOVE DOCUMENTS AND ANY OTHERS WHICH MAY
BE INCLUDED WILL BE PROVIDED TO AMCONSULATE AS SOON AS
THEY REACH THE DEPARTMENT.

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5. ACTION REQUESTED: REQUEST AMCONSULATE CONTACT
APPROPRIATE HKCAD OFFICIALS (THE DIRECTOR IF NECESSARY)
TO OBTAIN HKCAD'S APPROVAL OF NOMADS APPLICATION TO
LAND AT KAI TAK ON MAY 20, BUT FOR REASONS STATED IN
PARA. 3 ABOVE, WITHOUT NECESSITATING NOMADS ACQUIRE
ANYMORE INSURANCE THAN THEY ALREADY POSSESS.
HKCAD SHOULD ALSO BE INFORMED THAT THE DEPARTMENT WILL
WELCOME THE OPPORTUNITY TO DISCUSS THE TRANSPORTATION
CATEGORY OF AIR TRAVEL CLUBS. VANCE

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INFO OCT-01 ISO-00 AS-01 /010 R

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DRAFTED BY:JMROBERTS

APPROVED BY:AJWHITE

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R 060454Z MAY 78

FM SECSTATE WASHDC

INFO AMEMBASSY LONDON 3739

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ATTN: CIVAIR ATTACHE

FOLLOWING REPEAT STATE 111973 ACTION HONG KONG DATED
MAY 2, 1978.

QUOTE: LIMITED OFFICIAL USE STATE 111973

E.O. 11652: N/A

TAGS: EAIR, HK

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VANCE UNQUOTE CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
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Current Classification: UNCLASSIFIED
Concepts: FLIGHT CLEARANCES, TOURISM PROMOTION
Control Number: n/a
Copy: SINGLE
Draft Date: 02 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: JMROBERTS:PMA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780187-0712
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197805100/aaaadhzf.tel
Line Count: 293
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